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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,289	09/08/2003	Timothy Hewitt	60340-043	1379

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EXAMINER

PETERSON, KENNETH E

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,289

Applicant(s)

HEWITT ET AL.

Examiner

Kenneth E. Peterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al.'642, who shows a fence assembly having most of the recited limitations including slidable fence beam (104) and studs (150) that stick out both sides of the fence beam. Miller also shows a first fence face (132 in figure 1) and a second fence face (132 in figure 2).

Miller's studs mate with his fence faces via a head and slot, but not a keyhole shaped slot. Examiner takes Official Notice that it is well known to employ studs with enlarged heads and keyhole slots when connecting machine parts together. An example of such is the patent to Persson '221, best seen in figures 7 and 9. Some examples from the saw table art are the patents to Sellmeyer '458 (78) and Cox '245 (lines 13,14, column 6). It would have been obvious to one of ordinary skill in the art to have modified Miller by making the fence face connections employ keyhole slots engaging the stud heads, as is well known and taught by Persson, Sellmeyer and Cox, since this is an art recognized equivalent known for the same purpose of connecting machine parts together.

In regards to the new limitation in claim 1, Miller's fence face (as modified above) has key slots, but these key slots are directly in the fence face, as opposed to being in a series of attached plates. Examiner takes Official Notice

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that it is well known to employ a plate in lieu of having the keyhole directly in the object to be attached. An example of this is a typical door lock which has a enlarged-head stud on a chain attached to the door, and a keyhole plate attached to the door frame (in lieu of the keyhole being directly in the door frame). Examiner further notes that the courts have long ruled that the unity or diversity of integral parts is generally not patentable subject matter. An integral fence face plus plate plus keyhole is an obvious variant of an integral fence face plus keyhole. See In re Lockhart, 90 USPQ 214. It would have been obvious to one of ordinary skill in the art to have further modified Miller's fence face by have an additional plate element, as is well known, and since this would not change the resultant integral structure

In regards to claim 2, Miller obviously could have two fence faces mounted simultaneously as well, since the courts have ruled that it is obvious to have redundant parts (St. Regis Paper Co. vs Bemis Co. Inc 193 USPQ 8,11). It would have been obvious to one of ordinary skill in the art to have provided two fence faces simultaneously, so that the operator would not need to keep switching a single one back and forth.

In regards to claim 3, it is not clear if Miller's fence face is taller than his fence beam. Examiner takes Official Notice that such is well known. For example, see the patent to Collignon '692 (9,21). It would have been obvious to one of ordinary skill in the art to have made the fence face taller than the fence beam, in order to have a sufficiently large guiding face for the workpiece.

In regards to claim 4, Miller's fence face is made out of metal.

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In regards to claims 5 and 6, Examiner takes Official Notice that it is well known for fence faces to be made out of wood or plastic. See for example Collignon '693 (21). It would have been obvious to one of ordinary skill in the art to have made the fence face out of wood or plastic, as is well known or taught by Collignon, in order to save production costs.

3. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that there is no motivation to use keyhole plates in lieu of having keyholes directly in the fence. However, these two choices are art recognized equivalents known for the same purpose, and thus no motivation need be shown. See MPEP 2144.06. From within the field of keyhole connections are the patents to Persson, Sellmeyer and Cox. Also from the field of keyhole connections in the door latch with a keyhole plate. They perform the same function in a similar manner in the same field of art (keyhole connections), and thus meet the requirements of MPEP 2144.06. Therefore, one of ordinary skill in the art would recognize that it is obvious to substitute one for the other.

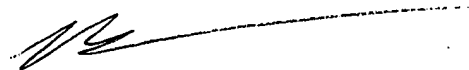
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth E. Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Mon-Thur, 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



**KENNETH E. PETERSON
PRIMARY EXAMINER**

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KP
16 Aug 05



KENNETH E. PETERSON
PRIMARY EXAMINER